IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Application No. 17 of 2005

1. Naresh Chand Mittal S/o Late Shri Anand Prakash Mittal
2. Smt. Acha Mittal W/o Naresh Chand Mittal
   Both R/o C/5 Goal Gurudwara
   Sri Ram Nagar
   P.S. Jwalapur
   District Haridwar
3. Mukesh Chand Mittal S/o Late Anand Prakash Mittal
   R/o Mohalla Gadda
   Goal Gurdwara
   P.S. Jwalapur
   District Haridwar
4. Dr. Suresh Chand Agarwal
   Primary Health Centre
   P.S. Jawalapur
   District Hardwar
5. Dr. Deepa Sharma
   Govt. Women Hopsital
   P.S. Hardwar
   District Hardwar … Applicants

Versus

1. State of Uttaranchal
2. Judicial Magistrate, District Haridwar
3. Vijay Garg S/o Shri Pradeep Garg
   Presently R/o Jammu Wali Dharamshala
   Shamshan Road
   Khar Khari
   Hardwar … Respondents

Hon'ble B.C. Kandpal, J.

By way of this petition under Section 482 Cr.P.C. the applicants have challenged the impugned order dated 17.12.2004 passed by the Judicial Magistrate, Hardwar for summoning the applicants to face the trial under Sections 218, 504, 506, 312, 120B I.P.C. ad 3-4-5of Medical Termination of Pregnancy Act.

The counter affidavit has been filed by the respondent No. 3 who is the complainant in the present petition.

Brief facts giving rise to this petition are that the respondent No. 3 was filed a complaint against the petitioners under Sections 218, 504, 506, 312, 120B I.P.C. and 3-4-5 of Medical Termination of Pregnancy Act. The court below after having considered the entire record was pleased to summon the petitioners to face their trial under Sections 218, 504, 506, 312, 120-B I.P.C. and 3-4-5 of Medical Termination of Pregnancy Act by way of the impugned order dated 17.12.2004.

The petitioners have challenged the aforesaid order by way of this petition. Heard learned counsel for the parties and perused the record.

Learned counsel for the petitioners has submitted that both the parties had entered into compromise and the divorce petition have already been decided in terms of compromise arrived at between the parties.

By way of the compromise both the parties have come to the conclusion that the cases pending between the parties shall be withdrawn.

Learned counsel for the petitioners has invited my attention towards the judgment dated 07.12.2005 passed by me in another case in which the case has already been decided in terms of the compromise arrived at between the parties. In a case, under sections 498-A, 323, 506, 313 I.P.C. and 3/4 Dowry Prohibition Act.

In view of the record of the case, I do not find any sufficient ground to interfere in the impugned summoning order. The petition lacks merit and is liable to be dismissed.

Accordingly, the petition is dismissed. However, I direct the court below to decide the matter between the parties in terms of the compromise arrived at between the parties in accordance with law expeditiously, in case, if the parties appear before the court below and file compromise over there.

(B.C. Kandpal, J.)

13.12.2005
ASWAL